

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD MARK DRAUGHN,

Petitioner,

v.

Case No. 10-CV-11143

PATRICIA CARUSO,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION

On March 30, 2010, the court issued an opinion and order summarily denying Petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The court also denied Petitioner's motion to stay proceedings. Lastly, the court denied Petitioner a certificate of appealability. (See 3/30/10 Order.) Petitioner has now filed a motion for reconsideration. For the reasons stated below, the court will deny the motion for reconsideration.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a

correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, the arguments raised by Petitioner in his motion for reconsideration were already raised, either explicitly or by reasonable implication, in Petitioner's application for writ of habeas corpus and his attached exhibits. Because Petitioner is merely presenting issues which were already ruled upon by the court, either expressly or by reasonable implication, when the court summarily dismissed his petition for writ of habeas corpus, the motion for reconsideration will be denied. *See Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

Accordingly, IT IS ORDERED that Petitioner's "Motion For Reconsideration" [Dkt. # 10] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 29, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522